

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

**DARRYL GEORGE, ET AL.,  
Plaintiffs**

**V.**

**GREGG ABBOTT, ET AL.,  
Defendants**

**CIVIL ACTION NUMBER**

**3:24-cv-12**

# JURY REQUESTED

## NOTICE OF APPEAL

NOW COMES, Plaintiff, Darryl George and files this, his notice of appeal. In support thereof, Plaintiff presents the following:

### A. Notice

Notice is hereby given that Plaintiffs Darryl George, et al., in the above-captioned matter, hereby appeal to the United States Court of Appeals for the Fifth Circuit from the following rulings of the United States District Court for the Southern District of Texas, Galveston Division:

1. Final Judgment entered on July 24, 2025, granting summary judgment in favor of Defendants on all remaining claims;
2. Order denying Plaintiffs' Motion for Temporary Restraining Order;
3. Order quashing Plaintiffs' noticed deposition of Defendants' representative;

4. Order denying Plaintiffs' motion to compel discovery and granting Defendants' motion for protective order;
5. Public reprimand and nonmonetary sanctions imposed sua sponte on Plaintiffs' counsel, as contained in the final judgment.
6. Order denying Plaintiff's motion for new trial absent the following:
  - a. full memorandum/findings of fact and conclusions of law;
  - b. a response was filed by Defendant; and
  - c. addressing all issues as pled and raised in the motion for new trial by the Plaintiff.

Plaintiff Darryl George gives notice of appeal to the United States Court of Appeals for the Fifth Circuit from the Final Judgment and from all prior adverse interlocutory orders and rulings that merge into that judgment or otherwise are appealable, including but not limited to the dismissal of state-law claims and the Crown Act claim, the dismissal of claims against individual Barbers Hill ISD officials Greg Poole, Lance Murphy, and Ryan Rodriguez, and all adverse discovery rulings and denials. This Notice does not appeal the dismissal of claims against Governor Greg Abbott or Attorney General Ken Paxton.

#### B. Grounds for Appeal

Plaintiffs assert the following specific grounds as the basis for appeal:

1. Dismissal of state law claims and the Crowne Act claim;

2. Dismissal of claims against individual BHISD officials, Greg Poole, Lance Murphy, and Ryan Rodriguez;
3. The improper reliance on attorney sanctions to justify dismissal of claims, resulting in prejudice to the client and the outright dismissal of Plaintiff's claims;
4. The Court's reversal of its earlier denial of summary judgment without new factual evidence, outright and based on the Court's dissatisfaction with Plaintiffs' citations;
5. The Court's refusal to consider Plaintiffs' deposition evidence and summary judgment exhibits, in violation of Rule 56 standards;
6. The Court's misapplication of the Equal Protection standard, treating Plaintiffs' gender-based claim with insufficient scrutiny;
7. The denial of injunctive relief without a hearing, despite disputed fact issues and irreparable harm;
8. The denial of meaningful discovery into policy enforcement records, impairing Plaintiffs' ability to present their case;
9. The quashing of Plaintiffs' deposition of key witnesses, further undermining evidentiary development;
10. The imposition of a public reprimand, despite no finding of bad faith, causing reputational harm and interfering with the fair administration of justice.
11. Improper denial of motion for new trial and refusal to address the complete merits of the motion for new trial.

C. Non-Exhaustive List of Adverse Orders Included in This Appeal (Identified by docket number and date; descriptions are shorthand for convenience.)

- a. Memorandum Opinion & Order resolving motions to dismiss, including dismissing state-law claims (Tex. CPRC § 101.106(e)), dismissing CROWN Act and other state claims, and dismissing individual BHISD officials (including Poole, Murphy, Rodriguez).
- b. Minute Entry/Order staying discovery pending motion practice.
- c. Order denying Temporary Restraining Order.
- d. Order denying certification for interlocutory appeal.
- e. Memorandum Opinion & Order denying Plaintiff's Findings of Fact & Conclusions of Law.
- f. Discovery hearing rulings (quashing depositions; other rulings on the record).
- g. Orders on BHISD discovery letter and supplementation (adverse to Plaintiff).
- h. Order denying Plaintiff's Motion for Discovery.
- i. Order denying reconsideration of discovery ruling.
- j. Order denying Plaintiff's Findings of Fact & Conclusions of Law.
- k. Discovery hearing rulings (adverse rulings issued on the record).
- l. Memorandum Opinion (adverse trial-management issues).
- m. Memorandum Opinion & Order on BHISD's motion for reconsideration (adverse).
- n. Order denying Plaintiff's reconsideration and imposing sanctions.
- o. Final Judgment (case terminated).
- p. Order denying Plaintiff's motion for reconsideration.

q. Order denying Plaintiff's motion for new trial.

This list is illustrative, not limiting; all adverse interlocutory orders and rulings are encompassed by this Notice to the extent permitted by law, except any portion dismissing Governor Abbott or Attorney General Paxton.

- D. This appeal is protective in nature and is filed in conjunction with both a timely Rule 59 Motion for Reconsideration and a Motion for New Trial. Plaintiffs respectfully request that the appellate court defer jurisdiction pending disposition of that motion, pursuant to Fed. R. App. P. 4(a)(4)(B)(i). A timely motion for new trial under Rule 59 was filed on August 21, 2025 (Dkt. 195). That motion was denied a day later absent addressing all issues as raised in the motion in the same spirit as the prior motion to reconsider summary judgment response of Plaintiff. Based on the consistent course of the Court's prior rulings, Plaintiff hereby places the Court of Appeals on notice that this appeal includes the grounds asserted in the motion for new trial and extends to any order denying all motions as entered which were adverse to Plaintiff.
- E. To the extent this Notice of Appeal is deemed premature, it becomes effective upon the district court's entry of a full order completely disposing of that motion, Fed. R. App. P. 4(a)(4)(B)(i).

Respectfully submitted,

**THE BOOKER LAW FIRM**

/s/Allie Booker

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/s/ Allie R. Booker  
Allie R. Booker

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing document was served on all counsel of record via the Court's CM/ECF system on 08/24/2025.

/s/ Allie R. Booker  
Allie R. Booker

**NOTICE OF ELECTRONIC FILING**

I certify that I have electronically submitted for filing a true and correct copy of the above and foregoing document through the Court's electronic case filing system, which will send notice of electronic filing to all counsel of record on 08/24/2025.

/s/ Allie R. Booker  
Allie R. Booker

